

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

WILLIAM D. HAMBY,

Petitioner,

v.

MICHAEL PARRIS,

Respondent.

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No. 3:20-CV-300-DCLC-HBG

MEMORANDUM OPINION

The Court is in receipt of a pro se prisoner's petition for habeas corpus relief under 28 U.S.C. § 2241 [Doc. 2] and a motion for leave to proceed *in forma pauperis* [Doc. 1]. For the following reasons, Petitioner motion for leave to proceed *in forma pauperis* [*Id.*] will be **DENIED** and this action will be **DISMISSED**.

Petitioner is enjoined from filing lawsuits in this District unless he first seeks and obtains the Court's permission to file the proposed lawsuit. *See Hamby v. Brasfield, et al.*, No. 3:19-CV-505-PLR-HBG, Doc. 8 p. 2–3 (E.D. Tenn. Jan. 20, 2020) (enjoining Petitioner and listing requirements for seeking and obtaining permission to file a lawsuit). While the Clerk has been instructed to reject any proposed lawsuit from Petitioner if he does not first properly seek this permission, where the Clerk inadvertently files an action despite Petitioner's failure to file the required documents, the Court should dismiss the action [*Id.* at 3]. As that is the case here, Petitioner's motion for leave to proceed *in forma pauperis* [Doc. 1] will be **DENIED** and Petitioner's petition for a writ of habeas corpus under § 2241 [Doc. 2], which is not accompanied by the required filings for Petitioner to seek permission to file a lawsuit in this District, will be **DISMISSED**.

The Court must now decide whether to grant Petitioner a certificate of appealability (“COA”). A COA should issue where a petitioner makes a “substantial showing of a denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a district court denies a habeas petition on a procedural basis without reaching the underlying claim, a COA should only issue if “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The Court is dismissing this petition because Petitioner failed to comply with the requirements for him to file a lawsuit in this District, a procedural ground. Reasonable jurists could not find that this dismissal is debatable or wrong. Accordingly, a certificate of appealability shall not issue.

The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

SO ORDERED:

s/Clifton L. Corker
United States District Judge